

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

RAMON ARAGON, *et al.*,

Defendants.

69cv07941 BB-ACE

RIO CHAMA STREAM SYSTEM
Section 5: Rio Gallina

Subfile No. CHGA-004-0006

MOTION TO VACATE CONSENT ORDER

COMES NOW the Plaintiff State of New Mexico, *ex rel.* State Engineer and moves the Court to vacate the Consent Order filed January 22, 2003 (Docket No. 7024) in connection with defendants JULIAN VIGIL, MARY VIGIL and ROBERT VIGIL ("Defendants") and subfile CHGA-004-0006, and as grounds plaintiff states as follows:

1. The Consent Order filed January 22, 2003 in subfile CHGA-004-0006 incorrectly described the name of the ditch and the coordinates for the point of diversion. Since this order was approved and filed, the Defendants have agreed to the priority date of the ditch (1876) and this element may be included in a revised Consent Order.

2. The Defendants have signed and approved a revised Consent Order to be filed with the Court that corrects the errors described in paragraph one above. The revised Consent Order includes the priority date of the Sanchez-Maestas Ditch (1876). The revised Consent Order also corrects Defendant Vigil's name ("Robert M. Vigil").

4. The Defendants support the granting of this motion.

WHEREFORE, the plaintiff State of New Mexico requests the Court to vacate the Consent Order filed January 22, 2003 (Docket No. 7024) in connection with defendants JULIAN VIGIL, MARY VIGIL and ROBERT VIGIL and subfile CHGA-004-0001A.

Respectfully submitted,

/electronic signature/
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the above Motion to Vacate Consent Order was mailed to following persons on October 26, 2005.

/electronic signature/
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